

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 13 2011

GARY LITTLE,

Plaintiff,

v.

JUSTIN JONES, et al.,

Defendants.

WILLIAM C. FOTHERIE
Clerk, U.S. District Court
By _____
Deputy Clerk


No. CIV 07-177-RAW-SPS

OPINION AND ORDER
DENYING SECOND MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed another motion requesting appointment of counsel in this matter. He still bears the burden of showing his claim has sufficient merit to warrant appointment of counsel. *McCarthy v. Weinberg*, 753 F.2d 836, 838 (10th Cir. 1985) (citing *United States v. Masters*, 484 F.2d 1251, 1253 (10th Cir. 1973)). The court again has reviewed the merits of plaintiff's claims, the factual issues raised therein, and his ability to investigate crucial facts. *McCarthy*, 753 F.2d at 838 (citing *Maclin v. Freake*, 650 F.2d 885, 887-88 (7th Cir. 1981)). After consideration of plaintiff's ability to present his claims and the complexity of the legal issues in the case, the court finds that appointment of counsel still is not warranted. *See Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991); *see also Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995).

ACCORDINGLY, plaintiff's motion [Docket No. 100] is DENIED with leave to re-urge the motion, if appropriate, after a decision on the dispositive motions has been entered.

IT IS SO ORDERED this 13th day of July 2011.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE